

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

JAN 17 2025

CLERK, U.S. DISTRICT COURT
TEXAS EASTERN

In the Matter of:

DILIP JANA,
Plaintiff

v.

WALMART, INC.,
Defendant

Civil Action No. **4:24-cv-00698-SDJ-BD**

Honorable Bill Davis, Honorable Sean D Jordan

PLAINTIFFS' MOTION TO COMPEL DEFENDANT TO PARTICIPATE IN RULE 26(f)
CONFERENCE

NOW COMES *Pro Se* Plaintiff, Dr. Dilip Jana files this Motion to Compel Defendant, Walmart Inc to Participate in FED. R. CIV. P. 26(f) conference as follows:

1. This action stems from a severe adverse employment action suffered by Plaintiff after reporting alleged violations of antitrust rules and federal laws against shareholders to Defendant and the U.S. Department of Justice, a violation of the employee protection provisions of the Criminal Antitrust Anti-Retaliation Act ("CAARA"), 15 U.S.C. § 7a-3, and the Sarbanes-Oxley Act ("SOX"), 18 U.S.C. § 1514A.

2. Plaintiffs filed his Complaint on this Court on August 6, 2014

3. On October 14, 2024 Plaintiff conferred with Defendant for FRCP 26f Conference request. See Exhibit A, email exchange requesting conference dates.

4. On October 15, 2024 Defendant responded “Dilip: Thanks for your email. Please see the attached motion to stay we filed last week. After this motion is adjudicated, we’ll be in touch.”

5. On October 28, 2024 Defendant moved to dismiss the Complaint. Briefing on the Motion to Dismiss was completed on December 26, 2024.

6. More than 90 days have been passed since Plaintiff’s request for Rule 26(f) conference and Defendant declined to participate in 26f Conference. Even after 90 days passed, there was no communication from Defendant regarding 26f conference. Plaintiff’s previous good faith effort¹ for Discovery at the Administrative Law Judges at the Department of Labor was interpreted as harassment by the Defendant. This time Plaintiff waited enough time before asking this Court to intervene without harassing Defendant for 26f conference; it is party's duty to disclose.

7. Neither Rule 26 nor the Local Rules allow a party to litigation to refuse to participate in a Rule 26(f) conference until after the Court rules on a Motion to Dismiss or Motion to Stay. In fact LOCAL RULE CV-26 Provisions Governing Discovery; Duty of Disclosure

(a) No Excuses. Except in cases involving qualified immunity or a court order to the contrary, a party is not excused from responding to discovery because there are pending motions to

¹On June 7, 2024, while this case was at ALJ, Plaintiff made a good faith effort in order Defendant to participate in the Discovery: “Can you please update the status of the delivery of Discovery Request (originally sent on Wednesday, May 1, 2024) by 5 pm today? If I do not receive any documents by 5 pm today, please be aware that a Motion of Compel may be filed.”

dismiss, to remand, or to change venue.

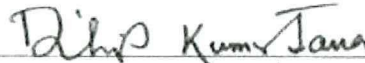
8. Both Plaintiff and attorneys for Defendant live in the Dallas-Fortworth area. Plaintiffs request an Order compelling the parties to participate in the Rule 26(f) conference so that this case can get on a track to resolution or trial.

REQUEST FOR RELIEF

For the foregoing reasons, Plaintiff respectfully requests that the Court Order the parties to participate in a Rule 26(f) conference within five (5) days of its Order on this Motion.

Dated: January 17, 2025

Respectfully Submitted,



DILIP JANA, Plaintiff

Pro Se

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800 Fairlawn St, Allen, TX, 75002

CERTIFICATE OF SERVICE

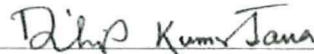
On December 26, 2024, a true and correct copy of the foregoing was caused to be served upon to the following through the Court's CM/ECF system:

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Respectfully Submitted,



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